

## FACT SHEET

### **Americans with Disabilities Act - Title III provisions affecting exams and courses** (Public Law 101-336)

#### **Are examinations and courses covered by Title III of the ADA?**

Yes. Any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

#### **What are examples of modifications?**

Required modifications may include changes in the length of time permitted for the completion of the examination or course, substitution of specific requirements of a course, or an adaptation of the manner in which the course is conducted or examination is given.

**EXAMPLE:** An individual has a manual dexterity impairment that hinders his or her ability to write. It may be necessary for the examiner to provide the individual with more time to complete the examination and/or permit typing of the answers.

#### **Are auxiliary aids required?**

Yes. A private entity that offers a course or examination shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the entity can demonstrate that offering a particular aid or service would fundamentally alter the course or examination, would result in an undue burden, or, in the case of an examination, would fundamentally alter the measurement of the skills or knowledge the examination is intended to test.

Examples include taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, brailled or large print texts or qualified readers for individuals with visual impairments and learning disabilities, adapted classroom equipment or transcribers for use by individuals with manual impairments, and other similar services and actions.

#### **Can an examination or course sponsor request advanced notice?**

Yes. Persons with disabilities may be required to provide advance notice of any modifications of aids that would be required, provided that they are not unreasonable and that the deadline for such notice is no earlier than the deadline for others applying to take the examination or course.

A sponsor may require evidence that an applicant is entitled to modifications or aids. Requests must be reasonable and must be limited to the need for the modification or aid requested. Appropriate documentation might include a letter from a physician or other professional, or evidence of a prior diagnosis or accommodation.

EXAMPLE: A college board testing service may be required to provide individuals with dyslexia, a learning disability, with more time to complete an examination. An individual who requests additional time may, however, be required to notify the testing service of the request at the time he or she applies to take the examination, and to furnish appropriate documentation to establish that the additional time is needed because of a disability.

### **Are accessible facilities required?**

Examinations or courses must be offered in accessible facilities or alternative accessible arrangements must be made.

EXAMPLE: A testing service is proctoring an examination for licensing real estate brokers. There is an obligation on the part of the testing service to offer the examination in an accessible facility or to provide the examination at an alternative site (e.g., an individual's home) with a proctor if accessible facilities or equipment are not available.

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